

Town of Hill
Planning Board Minutes
19 August 2021

In attendance: Bob Helmers, Shaun Bresnahan, Tom Whitman, Marshall Bennett, Chris Seufert
Public: Steve Thompson (ZBA chair), Dave Thompson, Mike and Michele Munson, Carol Asher, Lucy Natkiel, Jason Avery, Michael Thomas

Meeting opened at 7:01 p.m.

Chair opened discussion about the “motion for a re-hearing” by townfolk opposing the gravel pit. The Munsons and Ms. Natkiel informed the board that the applicant had requested a stay until the ZBA conducts its hearing. Apparently the email had not been forwarded to the planning board. The matter was stopped.

Upon inquiry as to the reason for their attendance, the Munsons and Ms. Natkiel expressed frustration that the excavation regulations had not been posted on town website. The legal challenge had cost them time and money. Mr. Munson asked if there was any other hidden information. Mr. Helmers explained that he had been in the process of converting the old hardcopy of the regulations to a digital format, but that the effort had been left unfinished years ago. He also stated that the excavation regulations were the last of regulations and that all other appropriate documents were on town website. Ms. Asher expressed confusion as to whether RSA 155E or town regulations applied. Mr. Bresnahan explained that since the Hill zoning ordinance did not address gravel pits, NH RSA 155E took effect. Chair added that town excavation regulations take effect only if the special exception for the Green Acres Woodlands, Inc. (GAW) pit is approved.

Steve Thompson interrupted the dialogue with opponents to GAW insinuating misconduct by Mr. Helmers, re-iterating a baseless contention by ZBA that Mr. Helmers acts independent of the board. Mr. Helmers offered an explanation, but Steve Thompson simply shouted the same accusation back at the board. Chair called for a halt to comments. Steve’s father, Dave Thompson then began in a similar rude and insulting manner. Standing, Mr. Whitman rebuked Mr. Thompson. Thompsons insisted they had a right to speak. Chair noted that this was not a hearing, but a regular meeting of the board and that their right to speak was at the discretion of the planning board.

Returning to Ms. Asher’s comments, Mr. Bresnahan explained the process of amending the zoning ordinance so that this confusion does not happen and that town can have greater control of these operations in the future.

Steve Thompson called a point of order asking why the planning board was discussing this matter which was a pending ZBA application. Mr. Bresnahan pointed out that the motion for reconsideration was on the agenda. Chair noted that the board has the right to discuss matters it deems appropriate and that the discussion had been about procedural matters. Merits of the special exception were not being discussed. Again, chair had to cut off subsequent commentary from Steve Thompson.

Mr. Helmers also explained the late posting of the GAW excavation plans on the town website. The original promise of providing the excavations plans occurred at the June ZBA meeting where the ZBA refused to accept the GAW application. Apparently nobody on ZBA had the courtesy of informing Mr. Helmers that he was responsible for obtaining the plans from GAW. After the June

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planning board meeting where an attendee had asked why the plans were not posted, Mr. Helmers followed up on the matter and obtained a digital form of the plans from GAW five days before the hearing. Unfortunately a miscommunication between Mr. Helmers and the Selectmen's secretary resulted in a delay where the plans were not posted until the day before the planning board hearing on Article VIII D2.

As Ms. Natkiel, Ms. Asher and the Munsons had no more to discuss, the board called on Mr. Avery who was present to obtain waivers from a site plan review permit. After consultation with planning board, he has operated a small engine repair business from his home for the past year or so. Recently, he has been storing business related materials outside the dwelling and accessory building which drew attention of neighbors. ZBA approved a special exception in the past month. Chair asked if a special exception was necessary as the business was located in the commercial zone. The operation of small engine repair shops is not directly referenced in the zoning ordinance. A special exception is required for automotive repair shops. Chair also asked why the ZBA had approved a special exception, without notifying the planning board, who according to town counsel should hold a public hearing to determine Article VIII D:2. Steve Thompson stated the planning board had already approved it and presented an email regarding the discussions with Mr. Avery two years earlier when the planning board determined the proposed operation was a home business and not a commercial operation subject to site plan review. After a few frivolous comments, chair again constrained Steve Thompson's discourse.

Dave Thompson asked how "the matter had got here" (referring to the planning board?). Dave Thompson had initiated the complaint regarding Avery's operation to the selectmens office. Chair began an explanation and Dave Thompson simply walked out of the room. Chair ceased his explanation.

Mr. Avery and the board discussed the current operations. As Mr. Avery is unable or unwilling to shelter business related materials within his dwelling or accessory building, the operation no longer qualifies as a home business. The operation will then require site plan review. The board waived the plat requirement requesting a hand drawn map to scale or an aerial photo. Board also waived Section VI C: 1-6 and 8-10 as inapplicable or unnecessary. The board also waived Section X General Standards sections C,F,G,I,J,K,N.O.P for the same reasons.

Dave Thompson returned and asked the same question he had asked before walking out (about 15 minutes had elapsed) . Considering that he was the original complaintant, he inexplicably stated that the planning board should drop the matter altogether. He then followed with an accusatorial tone, comments directed to Mr. Bresnahan and the selectmen board. Mr. Bresnahan stated that the board simply needed time (the actual understanding of what was transpiring was never stated, presumably a matter between Dave Thompson and the selectmens board). After a brief exchange with the chair, Dave Thompson stated that he did not believe anything Mr. Helmers said. Chair noted that there was no point in continuing then. Dave Thompson left shortly thereafter.

Chair explained procedural requirements of a site plan review application. Mr. Avery departed.

Mr. Thomas is a chain saw carver and would like to rent (sub-let) the old Irving Station in the village and conduct operations from there. He currently operates from his home in Bristol. Mr.

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Helmets expressed concern that there may be some deed or other restrictions on use of the property. Board reviewed the zoning ordinance to determine if the wood carving operation is an allowable use in the commercial district. Again the zoning ordinance does not directly address wood carving operation. After some discussion, the board felt that it would be permissible as a special exception as it would be a combination of a retail shop (allowable use) and manufacturing (which requires a special exception). Mr. Thomas asked if he could be allowed to start operations while going through the permitting process. Mr. Bennett explained that it would set a bad precedent for any future applications. Mr. Thomas asked about the timeline for permitting. Chair noted that the planning board could hold a hearing for site plan review within a few weeks of receiving the application after approval of a special exception by the ZBA. Scheduling of special exception was up to ZBA. Steve Thompson stepped back inside the library near the end of this discussion and Mr. Thomas was directed to Steve. The two departed. Steve Thompson had been stepping in and out of the library frequently throughout the evening.

Board began a discussion of zoning amendments. Mr. Bresnahan proposed eliminating Article VIII D2 altogether which would remove the planning board from the special exception process. Mr. Helmets suggested that town counsel should be consulted as to legality. Mr. Helmets suggested the board consider rewording D2 to allow the decision to be made during a planning board meeting rather than a hearing. Mr. Bresnahan suggested that site plan review regulations be amended specifying that the regulations apply when a change in use occurs from a permitted use to another permitted use or when a permitted use is changed to a use requiring a special exception. Mr. Helmets suggested clarification of new uses. Mr. Bresnahan noted need to address master plan. Town needs to include section related to earth material resources. This should be a prerequisite to amendments to zoning or the excavation regulations. Additionally, the master plan has not been updated for about 20 years. Mr. Bresnahan will contact Lakes Region Planning Commission and see what can be done. Chair asked board members to draft proposed changes so that the board could have something more tangible to work with at the next meeting.

Chair will get new workbooks for Mr. Bresnahan and the newly appointed Mr. Seufert.

Mr. Helmets brought up a matter, responding to a comment made at one of the earlier planning board meetings where an attendee had stated that an acquaintance of hers (an abutter to a property on Cass Mill Road) “heart was broken” to live next to a property where equipment was being stored and the general appearance was shambles. Mr. Helmets asked if there was anything the town could do now or if the board should consider zoning amendments to prevent such behavior. The property located on Cass Mill Road offers excellent views to the north and is part of a subdivision approved many years ago. The property has a backhoe, other equipment and material scattered about the cleared area. Mr. Helmets believes the property, in the rural residential zone, has no dwelling and is just being used for storage or dump. The recently approved junk ordinance was consulted, but does not appear to apply in such circumstances. Mr. Helmets suggested drafting zoning ordinance amendments that address the occurrence of backhoes and other non-residential equipment in plain sight on rural properties. Mr. Bennett expressed concern that many residents may be upset as the occurrence on residential properties is now quite common in the rural residential zone.

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Mrs. Munson noted a junk yard on Currier Road and asked who enforces the zoning ordinance to which Mr. Bresnahan responded the selectmen. A short discussion ensued with Ms. Natkiel, Ms. Asher and the Munsons as to the appropriate procedure for forming new excavation standards. The board should determine where appropriate gravel resources exist in relation to population. This information along with the public vision for gravel operations should be included in the master plan which can then be the basis for zoning changes.

No other business.

Meeting adjourned at about 8:40 p.m.

Robert Helmers
Planning Board Chair
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